

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 12/14/09

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 23rd day of November 2009 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Donald Bollin-President	Jay Lambert
	JoAnne Arruda-Vice President	Cecil E. Leonard
	Hannibal Costa	Edward Roderick
	Louise Durfee	

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Councilor Leonard requested removal of item A-2a #2, School Committee Minutes of October 13, 2009 and A-2g, Recreation Commission Minutes of October 20, 2009.

Councilor Leonard made a motion, seconded by Councilor Costa to approve the remaining items on the Consent Agenda.

Councilor Bollin request removal of item A-6, Treasurer's Budget and Revenue Reports October 2009.

Councilor Leonard amended his motion to include removal of item A-6. The motion was seconded by Councilor Roderick and passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Minutes from November 9, 2009 Regular Council Meeting Councilor Durfee abstained, absent
- b. Approval of Executive Session Minutes from November 9, 2009 Councilor Durfee abstained, absent

A-2-Receipt of Minutes from Various Board and Commissions:

- | | |
|--------------------------------------|-----------------------------------|
| a. School Committee (5) | e. Open Space Commission (2) |
| b. Zoning Board of Review | f. Historical Cemetery Commission |
| c. Pocasset Hill Cemetery Commission | h. Conservation Commission |
| d. Recycling/Landfill Committee (2) | i. Prevention Coalition |

A-3-Correspondence:

- a. Received From Town of Glocester Regarding Opposition to House and Senate Bill Reducing RI Housing Foreclosure Period
- b. Received From John and Teresa Cordeiro Expressing Appreciation to Council for Support of Megan L. Cordeiro Memorial Foundation "Miles for Megan Event"
- c. Received From Dept of Business Regulation Regarding Liquor Control – Referred to Town Solicitor

d. Received From Town of Little Compton – Proposed Amendments to the Little Compton Town Code – Zoning Ordinances and Subdivision Regulations and Comprehensive Plan – Referred to Town Planner

A-4-Approval of Joint Petition to Place New Verizon New England and Narragansett Electric Joint Pole on Lake Road – Response from DPW Director S. Berlucchi

A-5-Approval of Tax Assessor Abatements

Receipt of Minutes from the School Committee of October 13, 2009

Councilor Leonard questioned where the \$90,000 mentioned in item 3d, a grant for the Prevention Coalition, would be applied. Sally Black, School Committee member, noted the funds were not only for the school but also for police as well to enforce underage drinking. Councilor Bollin requested Town Administrator request report from Ms. Ellwell regarding the grant use.

Councilor Leonard made a motion, seconded by Councilor Roderick to accept the School Committee minutes. Motion passed unanimously.

Receipt of Minutes from the Recreation Commission Meeting of October 20,2009

Councilor Leonard questioned the use of the social Internet web site “Facebook” and what would be posted. Wanted to make sure the information was accurate, important to send consistent message about what is going on in Town.

Councilor Leonard made a motion, seconded by Councilor Durfee to approve the Recreation Commission minutes and for the Town Administrator to follow up. Motion passed unanimously.

Receipt of Town Treasurer’s Budget and Revenue Reports for October 2009

Council President Bollin questioned why the Abatement Offset account was still appearing in the Budget report after the Council requested removal of that account. A separate report was to be provided to the Council with a running total of abatements. Treasurer DiMattia replied that figure should not be there was unable to have it taken off the report. Councilor Bollin questioned the Revenue report on page 3 showing library revenue of \$20,000, which was actually an expense. Treasurer explained the library offered to turn back \$20,000, in essence forfeiting an allocation. Councilor Bollin pointed out that sum should go back into the General Fund and not show up as revenue. Treasurer agreed that should be removed from the revenue report as well. Councilor Durfee questioned how it would be reflected in June 30th 09 audited figures. Treasurer noted the audit is not yet finalized, will do as an audit adjustment to the 09 fiscal.

Councilor Leonard made a motion to accept the reports. Councilor Costa seconded the motion, which passed unanimously.

BUSINESS BROUGHT BEFORE THE COUNCIL

The Town Council was sitting as the Board of Licensing Commissioners:

**BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:
PUBLIC HEARINGS- ADVERTISED**

Town Clerk – Annual Renewal of Auto Junkyard and Second Hand Dealer Licenses Dec 1, 2009 to Nov 30, 2010– Subject to Meeting All Legal Requirements – See Attached List

Council President Bollin opened the Public Hearing for comments on the annual renewal of auto junkyard and second hand dealer licenses. There being no comments President Bollin closed this portion of the Public Hearing.

Councilor Leonard made a motion, seconded by Councilor Roderick to grant the renewal of auto junkyard and second hand dealer licenses, per the attached list subject to meeting all legal requirements. The list was as follows:

**AUTO JUNKYARD AND SECOND HAND DEALER LICENSE AND/OR AUTO WRECKING ANNUAL
LICENSES RENEWALS
TERM OF DECEMBER 1, 2009-NOVEMBER 30, 2010**

1. ARNOLD'S AUTO PARTS	1484 CRANDALL ROAD
2. GENERAL AUTO RECYCLING, INC.	384 KING ROAD
3. ALAN J. LAGASSE D/B/A LAGASSE SALVAGE YARD	CORY'S LANE
4. SANFORD & SON LTD	104 CYNTHIA AVENUE
5. SOUTH SHORE TIVERTON LLC	413 BULGARMARSH ROAD
6. TIVERTON AUTO PARTS, INC	541 BULGARMARSH ROAD
7. TIVERTON AUTO PARTS, INC.	533 & LOT 116 –CARD 29 BULGARMARSH

Town Clerk – Annual Renewal of Liquor Licenses Dec 1, 2009 to Nov 30, 2010 Subject to Meeting All Legal Requirements – Attached List

a. Removal of Dutra Inc. d/b/a Christopher's 221 Main Road

b. Removal of Bay Street Properties, Inc. d/b/a Sea Breeze Restaurant

Council President opened the Public Hearing for comments on the annual renewal of liquor licenses. Town Clerk Nancy L. Mello asked for the removal of Dutra, Inc. d/b/a Christopher's and Bay Street Properties, Inc. d/b/a Seabreeze Restaurant as these were part of the advertising but no petitions for renewal were received from either business. President Bollin asked for any public comments, being none closed the Public Hearing.

Councilor Leonard made a motion, seconded by Councilor Roderick to grant the renewal of liquor licenses, per the attached list, except for Dutra Inc. d/b/a Christopher's and Bay Street Properties, Inc. d/b/a Seabreeze Restaurant, subject to meeting all legal requirements. Motion passed unanimously. The list was as follows:

PUBLIC HEARING OF ANNUAL RENEWAL OF LIQUOR LICENSES

DEC. 1, 2009-NOV. 30, 2010 AS ADVERTISED ON NOV. 5 AND NOV. 12 2009 SAKONNET TIMES

CLASS A

Chandri, Inc. d/b/a Tiverton Liquors	65 Main Rd.
Nimraj, Inc. d/b/a Crossroad Liquors Inc.	1540 Bulgarmarsh Rd.
Smittom Inc. d/b/a Stone Bridge Liquors	2490 Main Rd.

CLASS BV

Silva Brothers Inc. d/b/a Barcello's Family Restaurant	1214 Stafford Rd.
Bay Street Properties, Inc. d/b/a SeaBreeze Restaurant	1 Bay St.- License not renewed
Botelho LLC d/b/a Buddy's Place	79 Main Rd.
Dutra Inc. d/b/a Christopher's	221 Main R d. - License not renewed
Spring Restaurant Inc.	118-120 Main Rd.
Le Moulin Rouge, Inc.	1403 Main Rd.
Benjamin's Sports Pub, Inc.	4 Stafford Rd.
Faithe J. Bortz d/b/a P. J's Café	301 State Ave.
Mykonos Restaurant Inc. d/b/a Stone Bridge Restaurant	1848 Main R d
Evelyn's Nanaquaket Drive-In, Inc.	2335 Main Rd.
Kfoury Inc. d/b/a Brantal's Restaurant, Banquet & Catering	91-97 Crandall Rd.
The Boat House Restaurant, LLC	227 Schooner Drive
Nonni's Inc. d/b/a Nonni's Kitchen & Pasta Shop	1154 Stafford Rd.
HUEJAN Inc. d/b/a Lil' Bear Sports Lounge	983 Main Rd.

Class BVL

Classic Pizza Inc.	495 Main Rd.
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Soule-Seabury Associates Inc. d/b/a Four Corners Grill
Storti's Sunrise Café Inc.

3841 Main Rd
1148 Stafford Rd

CLASS BT

Senior Lifestyle Sakonnet Bay LP

1215 Main Rd.

CLASS D

Father Joseph Boehr Columbian Club, Inc. d/b/a Knights of Columbus
Woodrow L. Silvia Post Home Association Inc.
Bayview Holy Ghost Citizens Club

28 Fish Rd
134 Shove St.
66 Bottom St.

BOARD OF LICENSING COMMISSIONERS (Non-Advertised):

Town Clerk – Annual Renewal of Licenses Dec 1, 2009 to Nov 30, 2010– Subject to Meeting All Legal Requirements – Lists of Businesses Attached

Councilor Durfee removed the renewal of the Manufactured Home Community License for further discussion.

Town Clerk asked the Council to include two late additions, Antique License and a Mobile Home License to the annual renewal list as the payment and petitions were received after the packets were distributed.

Councilor Durfee made a motion, seconded by Councilor Lambert to grant the annual renewal of licenses subject to meeting all legal requirements. Motion passed unanimously. The lists were as follows:

b. Mobile Home Park Licenses Renewals 2009-2010

Dadson Mobile Home Owners Association
d/b/a Dadson Mobile Estates
301 Bulgarmarsh Road
Tiverton, RI 02878
102 Units

Four Seasons Mobile Home Cooperative
Association
225 Brayton Road
P.O. Box 520
Tiverton, RI 02878
20 Units plus 18 Additional Units in Section 2
(Granted 5/9/88)
Total 38 Units

Heritage Home Park Cooperative, Inc.
100 Heritage Park
Tiverton, RI 02878
37 Units

Patchet Brook Park, Inc.
4502 Main Road
Tiverton, R.I. 02878
8 Units

c. Petroleum Storage Licenses Renewals Dec 1, 2009 – Nov 30, 2010

DENNIS MOTTA d/b/a DANNY'S SERVICE STATION
ALZAIBAK, INC. d/b/a GEORGE'S GAS AND SERVICE
AMERADA HESS CORP. (39211)
FERRELLGAS INC.
FUEL CIRCLE INC.
INLAND FUEL TERMINALS, INC.
PHIL'S BOTTLED GAS SERVICE INC.
SANOCO, INC. d/b/a RITE OIL COMPANY
SK PROPERTIES-KINGSFISHER HOUSING ASSOC.

99 CRANDALL ROAD
1215 STAFFORD ROAD
1308 STAFFORD RD.
896 FISH ROAD
1837 MAIN ROAD
25 STATE AVENUE
477 CRANDALL ROAD
102 MAIN ROAD
40 ALICIA CIRCLE

ANDREW E. SNIDER	605 NECK ROAD
TIVERTON MARINA d/b/a STANDISH BOATYARD	1697 MAIN ROAD
JAMAC INC. d/b/a THREE DUCKS CAR WASH	400 MAIN ROAD
TIVERTON POLICE DEPARTMENT	20 INDUSTRIAL WAY
TIVERTON SUN	497 MAIN ROAD
DCPKM ENTERPRISES INC. d/b/a TIVERTON VALERO	861 MAIN ROAD
TIVERTON PUBLIC WORKS DEPT.	50 INDUSTRIAL WAY

d. Street Excavators Licenses-Dec. 1,2009-Nov. 30,2010

SPECTRA ENERGY CORP. d/b/a ALGONQUIN	J & A LANDSCAPING
GAS TRANSMISSION LLC	911 BULGARMARSH RD
8 WILSON WAY	TIVERTON, RI 02878
WESTWOODMA 02090	

AQUIDNECK CONSTRUCTION INC.	J.R.D. INC.
P. O. BOX 177	3 SAMMY'S LANE
PORTSMOUTH, RI 02871	ASSONET, MA 02702

CAMARA EXCAVATING LLC	S. OLIVEIRA CONST. CORP.
520 FISH ROAD	217 STAFFORD RD.
TIVERTON, RI 02878	TIVERTON, RI 02878

C.B. UTILITY CO., INC.	HUGO KEY & SON INC.
99 TUPELO STREET	51 America's Cup
BRISTOL, RI 02809	NEWPORT, RI 02840

EAST COAST LANDSCAPING & CONSTRUCTION	CHESTER R. WILKIE JR. EXCAVATING
202 CHASE ROAD	211 LONG HIGHWAY
PORTSMOUTH, RI 02871	LITTLE COMPTON, RI 02837

e. Tobacco Dealers and Cigarette Vending Machine Licenses-Dec. 1,2009-Nov. 30,2010

	BUSINESS ADDRESS
RAJ BHARTI INC. d/b/a 117 VARIETY, LLC	1540 BULGARMARSH Rd.
AMERADA HESS CORP #39211	1308 STAFFORD RD
CVS PHARMACY INC #1086	496 MAIN RD.
CUMBERLAND FARM M INC.	1860 MAIN ROAD
NIMRAJ INC. d/b/a CROSSROAD LIQUORS INC	1540 BULGARMARSH RD.
SFS CORP D/B/A ELAINE'S COUNTRY STORE	1204 FISH ROAD
FUEL CIRCLE INC. d/b/a SEASIDE GAS	1837MAIN ROAD
GRAY'S ICE CREAM INC	16 EAST ROAD
MAXI DRUG SOUTH LP d/b/a RITE AID 10235	677 MAIN ROAD
RI YOGI RAJ D/B/A NORTH TIVERTON NEWS	15 MAIN ROAD
STEP BY STEP MART	429 MAIN ROAD
SMITOM INC D/B/A STONE BRIDGE LIQUORS	2490 MAIN ROAD

JAMAC INC D/B/A THREE DUCKS CARWASH	400 MAIN ROAD
TIVERTON CONVENIENCE STORE INC	29 STAFFORD RD
CHANDNI INC D/B/A TIVERTON LIQUORS	65 MAIN ROAD
DCPKM ENTERPRISES INC D/B/A TIVERTON VALERO (NEW 10/23/06)	861-887 MAIN RD

f. Victualling Licenses Renewals Dec. 1,2009-Nov. 30,2010

RAJ Bharti Inc d/b/a 177 Variety	1540 Bulgarmarsh Rd	Helger's Ice Cream	2490 Main Rd
Silva Brothers Inc d/b/a Barcello's Family Restaurant	1214 Stafford Rd	Hess Corp (39211)	1308 Stafford Rd
Bayview Holy Ghost Citizens Club	66 Bottom St	Joseph Daquay d/b/a Le Moulin Rouge	1403 Main Rd
Benjamin's Sports Pub, Inc.	4 Stafford Rd	HUEJAN INC. Lil' Bear Sports Lounge	983 Main Rd
Black Goose Company d/b/a Black Goose Café	2160 Main Rd		
The Boat House Restaurant LLC	227 Schooner Dr	The Moose Café Inc.	1160 Stafford Rd
Kfoury Inc d/b/a Brantal's Restaurant Banquet & Catering Facility	91-97 Crandall Rd	Nonni's Inc d/b/a Nonni's Kitchen and Pasta Shop	1154 Stafford Rd
Botelho LLC d/b/a Buddy's Place	79 Main Rd	Faithe J. Bortz d/b/a P.J.'s Café	301 State Ave
New China Gourmet	180 Main Rd		
		Pizza Corner /Alcheldos/ Arcee, Inc	1715 Stafford Rd
Classic Pizza, Inc.	492 Main Rd		
Coastal Roasters LLC	1791 Main Rd	Primrose Bakery	115 Stafford Rd
		Provender, Inc.	3883 Main Rd
Tiverton Convenience Point Inc. d/b/a Country Kitchen	31 Stafford Rd		
		Route 177 Flea Market Snack Bar	1560 Bulgarmarsh Rd
Artemida, LLC d/b/a Dunkin Donuts	496 Main Rd	Sabitado's Pizzeria	1204 Fish Rd
Themie, LLC d/b/a Dunkin Donuts	1735 Stafford Rd	Saughkonnet Hot Dogs LLC	527 Main Rd
East Lake Variety Inc.	750 East Rd		1 Bay St
Elaine's Country Store	1204 Fish Rd	Senior Lifestyle Sakonnet Bay LP	1215 Main Rd
Evelyn's Nanaquaket Drive-In, Inc.	2335 Main Rd	Spring Restaurant, Inc.	118-120 Main Rd
Everett Lane Inc. d/b/a Family Ties Restaurant	520 Main Rd	Mykonos Restaurant d/b/a Stone Bridge Restaurant	1848 Main Rd
Famous Pizza	433 Main Rd	Kass Sandwich Shop Corp. d/b/a Subway of Tiverton	1289 Stafford Rd
Father Joseph Boehr Columbian Club, Inc.	28 Fish Rd	All Fresh Donuts Corp. d/b/a Sip N Dip	499 Main Rd
Soule Seabury Associates Inc d/b/a Four Corners Grille	3841 Main Rd	Sotiris Paulis d/b/a Yannis Seafood	2490 Main Rd
Gray's Ice Cream, Inc.	16 East Rd	V.F.W. Woodrow L. Silvia Post Home Association, Inc. No.5392	134 Shove St
Tiverton Coffee House	1 Stafford Rd.	Susan's Restaurant	13 Crandall Road

g. Holiday Business Licenses Renewals Dec. 1,2009 to Nov. 30,2010

RAJ BHARTI INC D/B/A 177 VARIETY 1540 BULGARMARSH RD	LEO'S GREENHOUSE 377 MAIN ROAD
AQUIDNECK FASTENERS INC 36 AQUIDNECK DR	LITTLE PURLS LTD 3952 MAIN RD
	MANCHESTERS TREE & LANDSCAPING 2970 MAIN RD
	THE METAL WORKS CORP. 3940 MAIN RD
	MICHAEL'S FLORIST 137 MAIN ROAD
	MILK & HONEY BAZAAR INC. 3838 MAIN RD.
BRIDGEPORT SEAFOOD MARKET 2117 MAIN RD	M & R FEED STORE INC 329 KING RD
	RI YOGI RAJ LLC D/B/A NORTH TIVERTON NEWS 15 MAIN RD
THE COTTAGE AT FOUR CORNERS 3847 MAIN RD	
COUNTRY AUTO SALES & SERVICE INC 1230 STAFFORD RD	PHIL'S PROPANE INC 477 CRANDALL RD
COURTYARDS LTD 3980 MAIN RD	
CROWS NEST FARM 467 EAST RD.	MAXI DRUG SOUTH LP D/B/A RITE AID #10235 677 MAIN RD

CUMBERLAND FARMS INC #1121 1860 MAIN RD
CVS PHARMACY INC. 1086 500 MAIN ROAD
DON'S MARINE SALES & SERVICE INC 2503 MAIN RD

EAST LAKE VARIETY INC 750 EAST RD
EDS AUTO REPAIR 126 BEAR'S DEN RD
SFS CORP D/B/A ELAINES COUNTY STORE 1204 FISH RD
ENVY GYMNASTICS, INC. 935 MAIN ROAD
FUEL CIRCLE INC. 1837 MAIN ROAD
SILK ROAD TRADERS AT GALLERY 4 3848 MAIN ROAD

GENERAL AUTO RECYCLING INC 384 KING RD
ALZAIBAK INC D/B/A GEORGES GAS & SERVICE 1215 STAFFORD RD
GRAYS ICE CREAM INC 16 EAST RD

HESS EXPRESS #39211 1308 STAFFORD RD.
THE HOSE CONNECTION INC 25 WM S CANNING BLVD
PD HUMPHREY CO INC 590 MAIN RD
ALAN J LAGASSE D/B/A LAGASSE SALVAGE YARD CORY'S LANE

RIVERSIDE MARINE/A. LATINVILLE 212 RIVERSIDE DRIVE
ROSEBERRY-WINN POTTERY & TILE LLC 3842 MAIN RD
SANFORD AND SON LTD. 104 CYNTHIA AVE.
SOUTH SHORE TIVERTON LLC 413 BULGARMARSH RD.
SKYRON INC. 1701 STAFFORD ROAD
STAFFORD AUTO SALES 1296 STAFFORD RD
STANDISH BOATYARD INC 1697 MAIN RD
STEP BY STEP MART INC 429 MAIN RD

JAMAC INC D/B/A THREE DUCKS CARWASH 400 MAIN RD

TIVERTON AUTO PARTS 541 BULGARMARSH RD
TIVERTON CONVENIENCE POINT INC D/B/A STATELINE TOBACCO 29 STAFFORD I
TOWNE MOTOR SALES 109 MAIN RD

TIVERTON SUN 497 MAIN RD
VITI INC 975 FISH RD
WILLIAM S. SANFORD INC. 367 BULGARMARSH RD.

h. Route 177 Flea Market License Annual Renewal Dec 1, 2009 – Nov. 30, 2010

Tom Ouellette's Rte. 177 Flea Market, 1560 Bulgarmarsh Road

i. Entertainment Licenses Renewals Dec. 1,2009 –Nov. 30,2010

Silva Brothers, Inc. d/b/a Barcello's Family Restaurant	1214 Stafford Road
Botelho LLC d/b/a Buddy's Place	79 Main Road
Spring Restaurant Inc.	118-120 Main Road
Benjamin's Sports Pub, Inc.	4 Stafford Road
Kfoury Inc. d/b/a Restaurant, Banquet & Catering	91-97 Crandall Road
Senior Lifestyle Sakonnet Bay LP	1215 Main Road
Faithe J. Bortz d/b/a P.J's Café	301 State Ave.
Father Joseph Boehr Columbian Club Inc.	
d/b/a Knights of Columbus	28 Fish Road
Woodrow L. Silvia Post Home Assoc.	134 Shove St.
Bayview Holy Ghost Citizens Club	66 Bottom St.
HueJan, Inc. d/b/a Lil' Bear Sports Lounge	983 Main Rd.
Tiverton Coffee House	1 Stafford Road

Antique License (Late addition)-Annual Renewal Dec. 1,2009-Nov. 30,2010

Stella Bernhard d/b/a Antiques II at Four Corners

Councilor Roderick Recused for Countryview License since he resides there

Manufactured Home Elderly Community License – Planning Board and Building/Zoning Official Recommendations –Correspondence Received

Councilor Bollin read the Planning Board memorandum indicating a negative recommendation for the renewal of the license for Countryview Estates. A letter of complaint was also received from a resident of the community. Councilor Durfee asked if this was forwarded to the Planning Board. DPW Director Berlucchi surveyed the roads at the request of the Davis Logan. All the roads have a binder and a base cover which is good for 2 or 3 years. It is time to top the base coat, DPW Director wrote a letter to Mr. Logan. The Town deadline to pave is November 15th. Director Berlucchi highly recommends doing the

base coat as soon as possible in the spring. Recommends the Council make the license contingent upon paving the whole subdivision for the spring. Mr. Logan was willing to do the paving in the spring. Several residents complained about driveways and roads that needed paving. President Bollin noted the need for compliance.

Councilor Durfee made a motion for renewal with a condition that paving is completed in the spring, the responsibility of Mr. Logan. Discussion with residents as to who is responsible for paying for the paving.

President Bollin noted the issue needed to be clarified regarding the original paving, if required by the initial license. Councilor Durfee withdrew the motion. Councilor Durfee suggested the Town Solicitor review the requirements placed on the developer when the original license was granted.

Councilor Durfee made a motion to continue to the first meeting in January on the condition the paving road which gives the Town Solicitor time to review and obviate. Councilor Leonard seconded. Several residents complained about Mr. Logan. President Bollin reminded the audience the Council could only go as far as what the Planning Board required and what the Council dictated at the time of the original license. Councilor Durfee noted the residents have some private issues with Mr. Logan. Edward Roderick, resident noted the Solicitor would look at the requirements but clearly remembers being told once construction was completed the roads and driveways would be paved.

Councilor Costa amended the motion to continue to January 11,2010 the license renewal for Countryview Estates and to extend the license currently in effect to January 11,2010. Seconded by Councilor Leonard motion passed unanimously.

Councilor Roderick returned to his seat.

New License - Fuel Circle d/b/a Seaside Gas and Convenience, 1837 Main Road – Request Approval of Victualling License – Subject to Meeting All Legal Requirements

Councilor Arruda made a motion seconded by Councilor Lambert to approve a Victualling License for Fuel Circle d/b/a Seaside Gas and Convenience. Motion passed unanimously.

New License - Pro Construction Co, LLC, 1032 American Legion Highway, Westport, MA – Request Approval of Street Excavator's License – Subject to Meeting All Legal Requirements

Councilor Arruda made a motion, seconded by Councilor Costa to approve the request for a Street Excavator's License to Pro Construction Co., LLC subject to meeting all legal requirements.

DPW Director Berlucchi noted the Town Clerk just received a notice the bond was cancelled. Since the bond is required Director Berlucchi rescinded his recommendation. President Bollin noted that was part of the legal requirements and the license would not be issued until a proper bond was posted. Councilor Durfee was opposed to issuance preferred to continue.

Motion passed 6-1, Councilor Durfee opposed.

APPOINTMENTS & RESIGNATIONS:

Municipal Court Judge – Charter Section 805 – November 2009 to November 2011 G. Scott Nebergall Request Reappointment

Town Clerk Nancy Mello had received a few phone calls indication interest in the position but nothing in writing. Councilor Durfee noted the Municipal Court Judge serves until a successor is appointed. This is the first notice the position was up for reappointment, suggested continuing to the first meeting in December. Councilors Lambert and Roderick noted a serious candidate would have submitted something to the Clerk.

Councilor Lambert made a motion to reappoint G. Scott Nebergall to a term November 2009 to November 2011. The motion was seconded by Councilor Roderick and passed on a vote of 5-2, Councilors Durfee and Arruda opposed.

PUBLIC HEARING – ADVERTISED:

C. Spencer, Town Planner – Advertised Public Hearing - Zoning Changes to the General Commercial Zone

Town Planner Chris Spencer presented a brief slide show highlighting proposed changes to the General Commercial Zone on how it could visually impact the Town. The changes would enhance the public realm, encourage economic development and promote good land use. The public realm includes space between buildings. Currently zoning has roadblocks to great streets. Suburban parking requirements have excessive setbacks, maximum building lot coverage, and limits trees on public right of way, excessively wide with numerous curb cuts. Mr. Spencer's slide show included showing what could currently be built with a 50 foot set back.

President Bollin opened the Public Hearing for comments from the public on changes to the General Commercial Zone. Len Schmidt, Chair of the Economic Development Committee noted these were significant changes to the zoning from a business standpoint, has some flexibility, impact vitally important to the Town. Areas from the State line to Stone Bridge are under utilized, people can't develop. Laura Epke was also in favor of the changes, noted some typographical errors.. Under paragraph f after the word associated to fee ordinance should be inserted. On page 12, paragraph b. (2) Upper threshold-there is nothing that quantifies significant. Found this to be a great deal of work and appreciated the effort. Several residents also spoke in favor of the changes.

Stuart Hardy, a member of the Planning Board, noted the Planning Board unanimously approved the changes after much discussion. This grew out of the Comprehensive Plan with areas designed for pedestrians, mixed use and the Comp. Plan also speaks out against commercial sprawl. Part of the process includes bringing the zoning into compliance with the Comp. Plan.

Councilor Durfee made a motion to approve the proposed amendments to the Zoning. Councilor Arruda seconded the motion. Councilor Leonard asked the Town Solicitor Andy Teitz about Laura Epke's comments regarding fees on page 11. Solicitor Teitz's understanding this was meant to send a message to see the Planner first before a lot of money is spent. Mr. Spencer noted they want to create a more collaborative process. Councilor Roderick commended the Planning Board for looking forward. Councilor Arruda noted this was a long time coming, very appropriate. Councilor Lambert noted these changes were giving developers some assurances. Councilor Durfee also noted the design standards offers a layer of review. President Bollin noted there is room for improvement, the entire zoning code needs a review, part of the problem is special use permit, should be open for discussion, corrects perceptions, wonderful first step. Motion passed unanimously.

The approved Zoning Amendments (See last pages of minutes).

NEW BUSINESS:

November 30th Workshop Agenda

a. Use and Disposition of Nonquit and Old Ranger Schools

b. Requesting by Gerald Felise to be on Workshop Agenda

Town Clerk Mello asked the Council if there was anything else they wanted on the workshop agenda. Solicitor Teitz noted the request by Mr. Felise is premature, from a procedural stand should start with the Economic Development Committee. Councilor Durfee wanted to put the Budget on for preliminary

discussion. Councilors Costa believed Mr. Felise's request should go to the Planning Board. Councilor Leonard noted the letter transcends a workshop since Mr. Felise requests an action. Consensus was to limit the workshop to two items.

Councilor Durfee made a motion to have the workshop agenda limited to the Ranger and Nonquit use proposals and a general discussion on the Budget. Seconded by Councilor Costa motion passed unanimously.

Town Clerk – December 28th Meeting – Request Advertisement for Public Hearing on Amendment Regarding Quarry Licensing

Solicitor Teitz raised the point about quarry licensing, an amendment requires advertising 21 days prior to the Public Hearing.

Councilor Durfee made a motion to advertise a Public Hearing on an Amendment to Quarry Licensing for the second meeting in January. Seconded by Councilor Costa motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS:
Request Council Approval Authorizing Letter to Director of RIDOT Regarding Old Stone Bridge Abutment

Administrator Goncalo requested the approval of a letter to the RIDOT Director regarding the Old Stone Bridge Abutment. During his recent visit Congressman Kennedy suggested the Town ask the project be put in the Transportation Improvement Program (TIP). Councilors Durfee and Bollin said the letter needs a sentence asking to be added to the TIP Program. Councilor Costa suggested a change in the first sentence of the second paragraph- insert one abutment on each side.

Councilor Durfee made a motion, seconded by Councilor Leonard to forward the letter as drafted with the recommended adjustments to Mr. Lewis. Motion passed unanimously.

ANNOUNCEMENTS:

1. Senior Center Christmas party on December 18th from 1-3pm.
2. Christmas Tree lighting at the Town Hall on December 6th at 4:30 pm.
3. There are 60 new homes in progress; 43 at Sandywoods.
4. Workshop on Nov. 30th asked the appraisal company for a preliminary estimate to rent properties.
5. At the last Sakonnet Bridge meeting weekly updates now linked to the Town website.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Roderick had follow up questions for the Town Treasurer, Philip DiMattia, regarding the investment of funds. Would like the Treasurer to provide a report for the first January Council meeting on the state of accounts and the interest the Town receives. Treasurer DiMattia asked a senior vice president at Citizens to revise the interest rate from .50%. as discussed at last Council meeting. Opened a new checking account for \$50,000. Had talked to BankNewport, would give 1.3% on \$250,000. Councilors Roderick and Durfee wanted to know why calls to other local banks were not being done. Councilor Roderick suggested BankRI and Washington Trust.

Councilor Durfee, trying to clarify, noted the \$500,000 was earning a rate of .65%. Treasurer DiMattia informed Ms. Durfee the rate was actually .80%. Councilor Durfee noted she recently saw certificates earning 1.44%. Treasurer DiMattia, at a previous Council meeting asked for suggestions from anyone on the Council. Treasurer DiMattia noted the need to develop a relationship and an understanding with banks. Councilor Roderick noted many cities and towns in the State have relationships with most local banks. Councilor Durfee suggested the Treasurer call the Dept. of Business Regulation with any concerns. Treasurer was open to any suggestions, no one has called his office, he is pursuing ongoing basis. Councilor Durfee noted he was remiss in his duties. Councilor Arruda believed any bank would be happy to have \$250,000. Most banks have relationships with sister cities that can be checked.

Treasurer was concerned about the funds and the possibility of bank failure. Councilor Costa noted all accounts are Federally insured up to \$250,000 and the funds could still be split up into other restricted accounts.

Councilor Lambert commented on an article he read in the Providence Journal on November 22nd about declining school enrollment, projected to drop 11.5% by 2015. In an article in the Nov. 18th edition of the Newport Daily News read that a panel was being formed studying the issue of merging schools and districts. This matter needs attention, should monitor other school systems, Little Compton sends their high school students to Portsmouth. Opportunity to consider the idea of regionalization and consolidation with respect to other services as well. Sally Black, School Committee member, has been attending meetings regarding consolidation. Councilor Costa also suggested consolidation into county government.

CLOSED EXECUTIVE SESSION:

1. Town Council – 42-46-5(a)(1)-Personnel – Town Administrator – Notice Sent

2. Town Administrator – 42-46-5(a)(2) - Collective Bargaining-Teamsters, IAFF& IBPO

3. Town Solicitor - Litigation – 42-46-5(a) (2)

Councilor Durfee made a motion, seconded by Councilor Arruda to enter into Executive Session pursuant to 42-46-5(a)(1)-Personnel-Town Administrator-Notice Sent. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining-Teamsters, IAFF & IBPO. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to further remain in Executive Session pursuant to 42-46-5(a)(2). Motion passed unanimously.

The Council entered into Executive Session at approximately 8:55 p.m.

The Council returned to Open Session at approximately 10:25 p.m.

OPEN SESSION:

Council President Bollin announced formal action had been taken in Executive Session, relative to a vote by Council to hire Attorney Kinder to represent the Town in arbitration with IAFF.

Councilor Roderick motioned to seal the minutes of Executive Session, seconded by Councilor Arruda. Vote passed 6-1. Councilor Leonard opposed..

ADJOURNMENT:

Councilor Roderick motioned to adjourn, seconded by Councilor Leonard. Motion passed unanimously.

Council adjourned at approximately 10:35 p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

APPENDIX A —ZONING

ARTICLE II. DEFINITIONS

New / Modified Definitions

- (#) **Building Coverage:** *That portion of the lot that is or may be covered by buildings and accessory buildings. (Same as – Lot Building Coverage).*
- (#) **Lot Building Coverage:** *That portion of the lot that is or may be covered by buildings and accessory buildings. (Same as – Building Coverage).*
- (#) **Gross Floor Area:** *The total floor area of all floors of a building within the inside perimeter of the exterior walls exclusive of vent shafts and courts, without deductions for corridors, stairways, closets, the thickness of interior walls, columns or other similar features. (See also – Net Leasable Floor Area).*
- (#) **Net Leasable Floor Area:** *The total leasable floor area of all floors of a building within the inside perimeter of the exterior walls exclusive of the thickness of interior walls, vent shafts, courts, corridors, lobbys, common areas, stairways, elevators, mechanical rooms, closets, columns or other similar features. (See also – Gross Floor Area).*

Note: Definitions will require renumbering

APPENDIX A —ZONING

ARTICLE V. DISTRICT DIMENSIONAL REGULATIONS

Section 1. Dimension regulations table.

The following table contains minimum lot areas, lot widths and front, rear and side yards, maximum lot coverage and height of structures for each zoning district.

	<i>Minimum Lot Dimensions and Building Setbacks</i>					<i>Maximum Building Coverage and Height</i>		
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.	Height, acces. bldg.
Uses in GC Commercial District								
Any permitted or special use (see Note 1 regarding residential uses)	12,000 SF	100 ft	50 ft 0 ft	20 ft	20 ft 0 - 20 ft *	25% 50%	40 ft 50 ft	25 ft
Commercial raising of animals or fowl	100,000 SF	200 ft	40 ft	60 ft	50 ft	10%	35 ft	40 ft
Public, semi-public and recreation uses	12,000 SF	100 ft	50 ft	20 ft	20 ft	25%	40 ft	25 ft

* *Minimum set back along side street is 0 feet; minimum setback where side yard abuts a residential zone is 20 feet; minimum setback between commercial lots must meet all applicable building codes as well as the Uniform Fire Code of RI.*

APPENDIX A —ZONING

ARTICLE V. DISTRICT DIMENSIONAL REGULATIONS

Section 2. General requirements.

- a. The requirements and regulations in section 1 of this article are presented only as minimum standards for the protection of the public health, safety and welfare. The owner of any tract or parcel of land may exceed the minimum requirements if he or she so desires. ***However, in the General Commercial zone, a recommended “build-to” line will be established through Development Plan Review based on context and/or future plans for the area.***
- d. Lot frontage shall not be less than 120 feet, ***except in General Commercial where it shall be no less than 100 feet.*** Where a lot fronts on a cul-de-sac, with no defeasible easement for future street extension, the frontage shall not be less than 75 feet, provided however that the lot width at the front yard depth be a minimum of 120 feet. The cul-de-sac shall conform to the standards in the Tiverton land development and subdivision regulations.
- e. The front lot line on lots fronting on more than one street, such as through lots and corner lots, shall be that along the street line which is the greater of the two, and shall conform with the front yard requirements as provided in section 1. ***In the General Commercial Zone, the front yard will be considered to be that of the primary street (that street of higher traffic volume or intensity of classification).***

APPENDIX A —ZONING

ARTICLE VI. OTHER DISTRICT REGULATIONS

Section 1. Yard regulations.

The front and side yard setbacks as required in article V shall be unoccupied and unobstructed by buildings or structures, except fences as permitted in this ordinance, and shall not be ~~used to fulfill the off-street parking, loading or unloading requirements of this ordinance, or~~ used for outdoor storage. Driveways and walkways may be located within any required front or side yard. ***In the General Commercial zone, parking will be prohibited forward of the primary commercial building or between the side of a building and side street where it is on a corner lot.***

Section 2. Departure from yard requirements.

Yards required in article V, and the space above them, shall be open and unobstructed except as provided below:

Ordinary projections of windowsills, cornices and other structural features may extend up to ~~42~~ **36** inches into the space above a required yard. ***In the General Commercial Zone, awnings or balconies may extend up to 8 feet into the required front yard (or side yard where it fronts on a street).***

APPENDIX A —ZONING

ARTICLE X. SPECIAL PROVISIONS

Section 1. ~~Off-street~~ Parking regulations.

Any structure or use, erected or developed after the effective date of this ordinance, must provide *for off-street* parking ~~facilities~~ in accordance with the minimum requirements of this section.

a. ~~Off-street~~ Parking requirements for specific uses shall be provided as follows:

	<i>Uses</i>	<i>Required Off-Street Parking</i>
(1)	Dwelling use	1 ½ car spaces for each dwelling unit. (In residential zones, parking must be met with off-street parking).
(2)	Hotel or Motel	5 car spaces, plus 1 space for each unit, room or suite.
(3)	Office use	3 car spaces, plus 1 space for every 250 300 square feet of gross <i>net leasable</i> floor area.
(4)	Retail and service business	1 car space for every 200 300 square feet of gross <i>net leasable</i> floor area.
(5)	Restaurants, theaters, churches and other places of public assembly	1 car space for every 4 seats, or for every 4 persons of occupancy.
(6)	Manufacturing and wholesale use	1 car space for every 2 employees based on the largest shift.
(7)	All other uses	1 car space for every 250 300 square feet of gross <i>net leasable</i> floor area.
(8)	Retirement residence / assisted living facility / and continuing care	1 car space for every 2 retirement units.

b. Plans and specifications for the required parking facility shall be submitted at the time of the application for a building permit for the principal use. The gross area per car space shall be no less than ~~200 square feet~~, **162 square feet (9 x 18)** and shall have adequate means of ingress and egress.

c. All off-street parking ~~facilities~~ **areas** required under this section must be ~~constructed~~ **provided for** on or adjacent to the site of the principal use.

d. *In the General Commercial Zone, on-street parking may be utilized to fulfill the parking requirements. The following conditions will apply:*

(1) The required dimension for on-street parking space (parallel to the curb) shall be 8 feet X 20 feet

- (2) Where parking is available on both sides of the street, the parking along the frontage of a parcel (actual legal parking spaces) may be counted towards the requirement. On corner lots, the parking along both streets may be counted.*
- (3) Where parking is available on only one side of the street, 50% of frontage parking (based on a 20 foot length/space) may be counted towards the requirement regardless of the side of the street that parking is permitted. However, if parking is available on the opposite side of the street only, along a non-commercial lot, 100% of the frontage of the commercial lot shall be counted. A standard 20 foot setback from the intersections will be deducted from the total. (Parking is prohibited within 20 feet of an intersection crosswalk as per 78 § 66(6) of the Town Code.*
- (4) Where a mixed-use building includes residential use(s), sufficient off-street parking facilities shall be provided and available to residents during the hours of 2 AM to 6 AM in order to comply with § 78-67 of the Town Code.*

e. In the General Commercial Zone, the following uses may utilize shared parking:

- (1) Dwelling use*
- (2) Hotel or motel*
- (3) Office Use*
- (4) Retail and services business*
- (5) Restaurant, theaters, churches and other places of public assembly.*

SHARED PARKING MATRIX	Dwelling Use	Hotel or Motel	Office use	Retail and service business	Restaurant, theaters, churches and other places of public assembly
Dwelling Use	1.0	1.1	1.4	1.2	1.1
Hotel or Motel	1.1	1.0	1.7	1.3	1.1
Office use	1.4	1.7	1.0	1.2	1.2
Retail and service business	1.2	1.3	1.2	1.0	1.1
Restaurant, theaters, churches and other places of public assembly	1.1	1.1	1.2	1.1.	1.0

Note 1: To use table, add the total parking spaces required for each use (in a mixed-use development) and divide by the factor shown. (Round up for values of (.5) or greater, round down for values less than (.5).

Example: On a project involving office space and residential dwelling units, if the total required parking is 24 spaces, the following formula applies:

Formula: 24 spaces ÷ 1.4 (factor) = 17 spaces required

Note 2: If there are more than two uses within a development, use the average factor.

Example: On a mixed-use project involving office space, residential dwelling units, and retail, if the total required parking is 30 spaces, the average factor should be divided by 3. [Average factor (1.4 + 1.2 + 1.2) / 3 = 1.2]

Formula: 30 spaces ÷ 1.2 (factor) = 25 spaces required

- d. f. Off-street parking ~~facilities~~ areas shall conform to the following site, **lighting**, screening and landscape requirements:

Site Requirements

- (1) The parking area shall be ~~permanently~~ ***adequately*** surfaced and maintained, and shall have adequate ***provisions for*** safe ingress and egress. Parking spaces required in connection with the dwelling uses need not be permanently surfaced.

Lighting Requirements

- (2) Lighting fixtures used to illuminate the parking area shall ~~reflect the light downward and away from adjoining property, and away from adjacent streets~~ ***be of the proper type to minimize light spill and placed so as to prevent unwanted light trespass onto adjoining properties.***

Requirements (General Commercial Only)

All parking areas shall be reviewed through Development Plan Review (Article XX) for ingress, egress, vehicle and pedestrian circulation, public safety, landscaping, screening, curb cuts, lighting, drainage, pavement and access between adjacent uses.

Landscape Requirements (All other zones)

- (3) (1) Any parking area which adjoins or lies within a residential district and is not use in connection with dwelling uses shall be , as a minimum, screened from neighboring residential properties by either an opaque fence or double row of compact evergreens not less than five fee in height, or a 25-foot-wide vegetative buffer, Additional screening and landscaping as determined by the building official with the concurrence of the planning board, may be required.
- (4) (2) Where a parking area fronts on a public street, it shall be, as a minimum, screened from the street by either a wall or fence not less than three feet in height, or a ten-foot wide landscape strip planted with shade trees, with a minimum of one tree for every 30 feet of frontage. Additional screening and landscaping, as determined by the building official with the concurrence of the planning board may be required.
- (5) (3) Any parking area used for other than residential purposes shall be, as a minimum, provided with interior landscaping of an area not less than five percent of the total parking area, including at all aisle ends and corner areas, and shall be, as a minimum, planted with five-foot wide buffer around the perimeter, with a minimum of one tree for every 30 feet. For uses areas, provisions shall be made for access between commercial uses. Additional screening and landscaping, as determined by the building official with the concurrence of the planning board, may be required.
- (6) (4) Selected plant ***and tree*** species used to meet the above landscaping requirements shall be diverse in height, form and color, and shall be disease resistant and suitable for the areas in which they are to be planted.

Section 2. Off-street loading requirements.

- c. Each nonresidential use or structure over 5,000 square feet in which services or commodities are used, sold, displayed, serviced, repaired, altered or fabricated as the principal use of the parcel or lots ~~shall~~ **may be required to provide loading zone space as recommended through Development Plan Review the Design Review Process (Article XX).**
- (1) ~~Each use or structure of under 1,000 square feet of gross area, or used ground area, shall provide for one off-street loading space of at least 450 square feet in area.~~
 - (2) ~~Each use of structure of over 1,000 square feet of gross floor area, or used ground area shall provide one off-street loading space, plus one additional loading space for each 20,000 square feet of area. Each loading space shall have a minimum area of 450 square feet, with a minimum vertical clearance of 14 feet, and shall include sufficient space for standing, loading and unloading of commercial vehicles.~~
- d. ~~All loading spaces shall be permanently surfaced and shall be lighted and screened in accordance with the regulations governing required off-street parking spaces.~~

APPENDIX A—ZONING

ARTICLE XX. DEVELOPMENT PLAN REVIEW

Section 1. Statutory authority and purpose.

Development plan review, a process by which the town planning board and its *Technical Review Committee* reviews the *development, site and architectural plans* of certain industrial, commercial or multi-unit residential projects is enacted pursuant to the provision of RIGL 45-24-49. It is designed to achieve the purposes set forth in article I, section 2, *provide for a cooperative and collaborative design process between the developer/applicant and the town*, and to ensure the following:

- a. New industrial, commercial and major residential development, as defined in section 3 herein, having a high quality site design, safe and convenient *pedestrian and vehicular* traffic circulation, and appropriate signage, landscaping and lighting;
- b. Mitigation of potential development impacts of new industrial commercial and major residential development, specifically related to stormwater runoff and soil erosion and sedimentation;
- c. New commercial and industrial development having architectural design and building location that is aesthetically pleasing, *promotes walkability, enhances the public realm*, is compatible with the character of adjacent areas and complements the town landscape; and
- d. Protection of the historic character of Tiverton Four Corners *and other areas of Town where appropriate*.

Section 2. General provisions.

Development plan review projects shall be subject to review by the Tiverton Planning Board *and/or the Technical Review Committee* under the guidelines described in this article *where they meet the applicability as described in Section 3*.

- a. *Special Use Permit, Variance, Zoning Amendment or Map Change:* Where the project involves an application for a special use permit, a variance, a zoning ordinance amendment and/or a zoning map change, the *Technical Review Committee shall be advisory to the Planning Board*. The Planning Board ~~review~~ shall, *in turn* be advisory to the permitting authority, i.e. the Zoning Board of Review or the Town Council, as appropriate.
- b. *Use Permitted by Right (Upper Threshold):* Where the project involves an application for a use permitted by right as provided in Article IV of this ordinance *and exceeds the threshold as described under Section 3(a)(2) & Section 3(b)(2, 3 & 4)* the *Technical Review Committee shall be advisory to the Planning Board*. The Planning Board ~~review~~ shall, *in turn*, be advisory to the permitting authority, i.e. the Building Official / Zoning Officer. A rejection of the application by the permitting authority shall be considered an appealable decision pursuant to Article XV of this ordinance.
- c. *Use Permitted by Right (Lower Threshold):* *Where the project involves an application for a use permitted by right as provided in Article IV of this ordinance and falls within the lower threshold range as described in Section 3(a)(1) & 3(b)(1), the Technical Review Committee shall be advisory to the to the permitting authority, i.e. the Building Official / Zoning Officer. However, a recommendation for denial by the Technical Review Committee must go before the Planning Board prior to being sent the permitting authority. A rejection of the application by the permitting authority shall be considered an appealable decision pursuant to Article XV of this ordinance.*

- d. Nothing in this article shall be construed to permit waivers of any ordinances or regulations unless approved by the appropriate permitting authority.
- e. For purposes of this article, two review processes are established *and are described below as (1) & (2). All projects shall begin with a Pre-application / Informal Concept Review before proceeding to Site Plan and/or Design Review. The preliminary Concept Review is described as follows:*

Pre-application / Informal Concept Review: *A review of a proposed project by the Design Review Subcommittee intended to determine the extent of the study area (for context of either Site Plan or Design Review, as provided below), provide suggestions for site and design improvements, and provide information on the comprehensive plan and community goals — prior to the application for building permits, land development or subdivisions applications. This review is intended to begin a collaborative approach between the developer/applicant and the town before a substantial investment in engineering, architectural or other fees is incurred.*

- (1) ***Site Plan Review:*** *A review of project site plans that **have an impact on the public realm and** affect public safety, health and welfare, e.g. storm water drainage, soil erosion and sediment control, parking, traffic circulation **and pedestrian convenience and safety.***
 - (2) ***Design Review*** - a review of the design elements of a project, e.g. architecture, signage, landscaping **and lighting** for **appropriate scale and** aesthetic suitability.
- f. An applicant shall be responsible for all costs incurred by the town for site plan and design review required under the provisions of this article. ***There are no application fees associated with the Pre-application / Informal Concept Review.***

Section 3. Applicability.

The provisions of this article shall apply to the following activities:

- a. ***Site Plan Review. Projects, as described in the categories below:***
 - (1) ***Lower Threshold Range:*** *Industrial or commercial development consisting of buildings between 2,000 and 5,000 square feet of gross floor area, and/or site alterations between 4,000 and 10,000 square feet of land area, within the Industrial, Waterfront, General Commercial or Highway Commercial Districts.*
 - (2) ***Upper Threshold:*** *Industrial or commercial development consisting of buildings of 5,000 square feet or greater of **gross** floor area, and/or site alterations of 10,000 square feet or greater of land area, within the Industrial, Waterfront, General Commercial or Highway Commercial Districts, or involving any expansion or construction of a nonconforming use in a Residential District.*
- b. ***Design Review.*** *Projects, **as described** in the categories below which are determined to have a significant visual impact. If there is not a visual impact significant to require design review, a waiver may be granted with the concurrence of the Building Official, **Town Planner** and the Administrative Officer and a written report made to the Planning Board. **Projects granted such waivers will be referred to the Technical Review Committee for design or other assistance through an informal review. Projects that do not meet any of the thresholds outlined below may elect to meet with the Design Review Subcommittee and take advantage of design or other assistance through an informal review.***

- (1) **Lower Threshold Range:** *Expansions involving between 25 and 50 percent of the footprint to an existing commercial or mixed-use building within the Industrial, Waterfront, General Commercial or Highway Commercial Districts or significant exterior physical alterations to a multi-family structure of four units or more.*
 - (2) **Upper Threshold:** New construction, ~~or the~~ expansions involving **50 percent or more of the footprint**, or significant physical exterior alteration ~~of 50 percent or more of the footprint~~ of to an existing commercial or mixed-use building within the Industrial, Waterfront, General Commercial or Highway Commercial Districts **or any expansion of a nonconforming commercial or industrial use.**
 - (3) **Upper Threshold:** New construction, expansion or exterior physical alteration of a commercial or mixed-use building, or any site alteration, within the Village Commercial (Tiverton Four Corners area).
 - (4) **Upper Threshold:** New construction of a multi-family structure or structures including an elderly housing facility, a manufactured home elderly community (see Article IV Section 16) or an age restricted mixed use community development (see Article IV Section 17).
- c. ***Land Development Projects.*** Pursuant to RIGL Section 45-24-47, an application to the Planning Board for a major land development project shall undergo review in accordance with the Tiverton Land Development and Subdivision Regulations. New construction or redevelopment of an elderly housing facility, such as a nursing home, retirement residence or assisted living facility, a manufactured home elderly community (see Article IV Section 16), an age restricted mixed use community development (see Article IV Section 17), or a multi-family structure or structures shall be considered to be a land development project, and shall be reviewed concurrently under both the subdivision regulations and this article.

Section 4. Application and review procedure.

- a. Review and approval of proposed developments under the provisions of this article shall be initiated by an application filed with the Building Official (***other than Pre-application / Informal Concept Review***) which meets any of the above descriptions of activities subject to development plan review. These applications shall be forwarded to the Planning Board.
- b. Applications submitted under this article shall be certified complete or incomplete by the Administrative Officer within 25 days from the date of submission. The Planning Board shall approve, approve with conditions or deny the plans submitted within 65 days of the certification of completeness.
 - (1) **Site Plan Review.** Review of site plan review applications and land development projects shall be done by the Planning Board ***and its Technical Review Committee***. If deemed necessary by the Planning Board, the review shall be done in the format of a public hearing, in accordance with Section 23-14 of the Tiverton Land Development and Subdivision Regulations. (Approved by TC 7-28-03).
 - (2) **Design Review.** Review of design review applications shall be done by the Planning Board ***and its Technical Review Committee***. If deemed necessary by the Planning Board, the review shall be done in the form of a public hearing, with all owners of property within 200 feet of the perimeter of the subject property notified by regular mail. (Approved by TC 7-28-03).

- c. Approval by the Planning Board of a development plan review application in cases where the Board decision is advisory (e.g. special use permit) shall be conditioned upon any approvals required from the permitting authority (e.g. Zoning Board of Review). For developments which require a special use permit, the Planning Board may, at the request of the applicant, refer the application to the Zoning Board prior to conducting the development plan review. In such cases, review by the Zoning Board shall be limited to the use in question until such time as development plan review is completed by the Planning Board.
- d. No building permit shall be issued by the Building Official for an activity for which development plan review is required until approval is received from the Planning Board. The approved plans and other documents shall become part of the building permit application, and shall be binding on any permit issued.
- e. Approval of a development under the provisions of this article shall be effective for one year. The Planning Board may grant an extension for good cause shown. The issuance of a building permit or commencement of the use of the site will constitute adequate efforts to develop in accordance with the approved plan.
- f. Modifications or revisions to final plans and documents shall be approved in accordance with the review procedures herein. Minor changes may be approved by the Administrative Officer, with the concurrence of the Building Official.

Section 5. Contents of applications.

The specific application requirements for the activities subject to the provisions of this article are described below. The Planning Board may waive any of these application requirements which are considered to be not applicable to the project.

- a. Applications submitted for site plan review shall include the following:
 - (1) A site plan which indicates the location and dimensions of all buildings and other structures such as walls and fences; all means of ingress and egress; circulation patterns and traffic control; and the locations and dimensions of all parking and loading areas.
 - (2) A drainage and site utilities plan which details existing and proposed site drainage systems and identifies proposed changes in topography.
 - (3) A soil erosion and sediment control plan, if applicable.
 - (4) A landscape plan which designates the final grade of the site, the locations of all trees with a diameter of 6 inches or greater (measured at a height of five feet); the type, size, number and spacing of proposed plantings; and locations and details of landscape features such as walls, fences, walkways, lighting, and site amenities.
 - (5) ***Other context maps, photographs and information determined through Pre-application / Informal Concept Review.***
- b. Applications for design review shall include the following:
 - (1) Scale elevations of the building(s), as appropriate, showing dimensions of all building elements including height, length, roof pitch, door and window openings, steps, railings and ramps; and details

of surface materials, doors and windows, railings, lighting fixtures, architectural details and other exterior features including colors.

- (2) A site plan which indicates the location and dimensions of all buildings and other structures such as walls and fences; all means of ingress and egress; circulation patterns and traffic control; and the locations and dimensions of all parking and loading areas.
- (3) A landscape plan which designates locations of all trees with a diameter of six inches or greater (measured at a height of five feet); the type, size, number and spacing of proposed plantings; and locations and details of landscape features such as walls, fences, walkways, lighting, and site amenities.
- (4) Sign details including the size, materials, colors, type of mounting and/or building placement and type of illumination.
- (5) *Other context maps, photographs and information determined through Pre-application / Informal Concept Review.*

Section 6. Review guidelines.

- a. For site plan review done under the provisions of this article, the Planning Board shall apply the improvement standards contained in Article X of the Land Development and Subdivision Regulations, and specifically those contained in Section 23-61, Control of stormwater runoff, and Section 23-66, Soil erosion and sediment control, where applicable.

In addition, the Board shall apply the following standards:

General site standards:

- (1) Buildings and site improvements should be done so as to minimize changes to existing topography and the loss of existing mature vegetation.
- (2) Wetlands and significant natural features should be maintained in an undisturbed form, the potential for flooding shall not be increased, and stormwater entry and discharge points should be designed so as to minimize erosion.

Circulation, parking and traffic control standards:

- (1) The layout and design of all means of vehicular and pedestrian circulation, including interior drives, parking areas and walkways, shall provide for safe interior circulation and separation of pedestrian, vehicular and service traffic.
- (2) The number of site entrances should be the minimum necessary for effective traffic control, and sharing of access driveways and parking areas by adjoining properties should be considered where possible.
- (3) Provisions for pedestrian movement, in the form of sidewalks or walkways, shall allow for safe access between parking areas and retail establishments.

Landscaping standards:

- (1) Buffering in the form of ~~year-round evergreen screen~~ **walls, fencing, shrubs, trees or other appropriate screening techniques may be required to** ~~should~~ shield neighboring properties, particularly residential areas, from adverse effects.
 - (2) Parking lots shall conform to all applicable site and landscaping requirements contained in paragraph (d) of Article X. Special Provisions Section 1, ~~Off-street parking~~ **Parking** regulations.
 - (3) Visual screening of refuse areas, service and storage yards and exterior work areas shall be accomplished by use of walls, appropriate fencing, plantings, **visually compatible outbuildings** or a combination of these.
 - (4) Mechanical equipment and utility hardware on the roof or ground adjacent to the building, shall be screened from public view with materials harmonious to the building, or with landscaping.
 - (5) The design and size of exterior lighting, when used, should be compatible **and enhance** ~~with~~ the building, **landscaping** and the adjacent areas, and shall not adversely affect neighboring residential properties.
- b. For design review submitted under the provisions of this article and occurring within the Industrial, Waterfront, General Commercial or Highway Commercial Districts, the Planning Board shall apply the following building design guidelines:
- (1) A new building in a currently built environment should be placed as close as feasible to the street on which it fronts, with the amount of parking between the building and street minimized. Building placement shall be planned so that a consistent setback is achieved notwithstanding pre-existing setbacks.
 - (2) Large scale developments should take the form of village-like groupings of small-scale buildings rather than large individual or box-like structures associated with chain retail stores or food establishments.
 - (3) Traditional roof forms such as gable, hipped ~~or~~ gambrel **or others with a strong cornice line**, as opposed to ~~mansard style~~ **flat roof with no cornice** are preferred.
 - (4) Façades should ~~blend with~~ **compliment** other buildings in the surrounding area with compatible façade proportions, fenestration and general architectural style, or otherwise be compatible with the historic character of the Town of Tiverton. Building sides without windows are discouraged and if done, corrected with architectural details.
 - (5) Architectural elements which create variety, interest and texture are encouraged. Elements which are out of proportion to the overall building, such as exaggerated dormers, should be avoided.
 - (6) Buildings should have the same materials, or those that are architecturally harmonious, used for all walls and other exterior building components. Traditional building materials such as shingles, clapboard, brick and stone should be used.
 - (7) Additions or alterations to existing buildings should be complementary in scale to the original structure, and architectural details, including materials, colors and textures shall be treated so as to be

compatible with the original architectural style of the building, provided that such details preserve and enhance the character of the surrounding area.

- c. For design review submitted under the provisions of this article and occurring within the Village Commercial District, the Planning Board shall apply the following building design guidelines:
- (1) The original characteristics and materials of an historic building should be retained.
 - (2) Facade proportions, including window and door placement, and the original roof shape, pitch and detail, should be maintained.
 - (3) Exterior details such as siding, corner boards, cornice, brackets, lintels and window and door styles should be retained, repaired or replaced in kind.
 - (4) Additions or alterations to existing buildings should be complementary in scale to the original structure, and architectural details including materials, colors and textures shall should be treated so as to be compatible with the original architectural style of the building.
 - (5) The style, scale, height, facade and materials of new buildings should be compatible with those of the existing buildings within the Tiverton Four Corners area.
 - (6) The setback pattern, building orientation and spacing patterns of new buildings should match those of the existing buildings within the Tiverton Four Corners area.
 - (7) Any business sign should be limited to twenty-five (25) square feet in area, and a freestanding sign of any type shall be limited to five (5) feet in height. There shall be no internally illuminated signs.

Section 7. Fees.

Application fees for development plan review under this article shall be set by the Town Council, with a recommendation from the Planning Board. ***There are no application fees associated with the Pre-application / Informal Concept Review.***

Section 8. Enforcement.

The provisions of this article shall be enforced by the zoning officer.